

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JERRY S. FOGLEMAN, #388440

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:16-cv-132-HSO-JCG

OKALOOSA COUNTY PRE-TRIAL SERVICES
AND JOHN DOES I-X

DEFENDANTS

ORDER TRANSFERRING CIVIL ACTION TO
THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA

This matter comes before the Court, sua sponte, for consideration of whether to transfer this civil action to the United States District Court for the Northern District of Florida, Pensacola Division, pursuant to 28 U.S.C. § 1406(a). Based on the following, the Court finds that this case should be transferred.

Under section 1406(a), a court may act sua sponte to order a transfer. *See Abramson v. America Online, Inc.*, 393 F. Supp. 2d 438, 443 (N.D. Tex. 2005).

Venue is based upon 28 U.S.C. § 1391(b), which states that a civil action may be brought in

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391(b).

In this case, Plaintiff Jeremy S. Fogleman has filed a Complaint [1] regarding incidents that allegedly occurred in Okaloosa County, Florida, and California. Plaintiff names as Defendants Okaloosa County Pre-Trial Services as well as unidentified Defendants. Compl. [1] at 1. Because the identified Defendant, Okaloosa County Pre-Trial Services, and a substantial part of the claims which forms the basis of the Complaint are located in Okaloosa County, Florida, venue is proper in the United States District Court for the Northern District of Florida.

Where a case is filed in an improper venue, “[t]he district court . . . shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). The Court finds that due to Plaintiff’s pro se status, and in the interest of justice, a transfer of this civil action under section 1406(a) is appropriate. Accordingly,

IT IS, THEREFORE, ORDERED AND ADJUDGED that this civil action be transferred to the United States District Court of the Northern District of Florida, Pensacola Division, and all documents filed in this civil action shall be received in accordance with the local rules of the Northern District of Florida.

SO ORDERED AND ADJUDGED, this the 25th day of April, 2016.

s/ Halil Suleyman Ozerden

HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE